

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Richard Sposato,

Plaintiff,

v.

MATTHEW W. RYAN, individually and in his,
official capacity,

Defendant(s).

Civil Case No.: 5:23cv-364

(Judges Initials) GTS / MJK

**AFFIDAVIT IN SUPPORT OF
MOTION TO STRIKE DEFENDANT'S
CROSS MOTION FOR SUMMARY
JUDGMENT FOR FAILURE TO
COMPLY WITH LOCAL RULE 56.2**

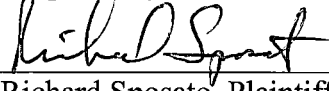
I, Richard Sposato, being duly sworn, declare under penalty of perjury under the laws of the United States of America that the following is true and correct to the best of my knowledge, depose and state that:

1. I am the Plaintiff in the above-captioned matter, and submit this affidavit in support of my motion to strike or deny Defendant's Motion for Summary Judgment due to Defendant's failure to comply with Local Rule 56.2.
2. I am and have been at all times proceeding in this matter *pro se*, without an attorney.
3. On or about April 25, 2025 I received notice of Defendant's Cross Motion for Summary Judgment.
4. At no time was I served by Defendant's attorney the required notice pursuant to Local Rule 56.2, which informs pro se litigants of the consequences of failing to respond to a summary judgment motion, including the requirement to respond to each of the Defendant's Statements of Material Fact under Local Rule 56.1.
5. Because I did not receive that notice, I filed an early response to the motion without understanding the procedural requirements for properly opposing summary judgment.

6. The Court subsequently issued the required notice and set a new deadline of May 16, 2025, for me to file a compliant response, which I am now preparing and intend to file by that date.
7. Defendant's failure to comply with Local Rule 56.2 caused confusion and procedural disadvantage, and I respectfully request that the Court strike or deny Defendant's Motion for Summary Judgment, consistent with the Second Circuit's holding in *Irby v. New York City Transit Authority*, 262 F.3d 412 (2d Cir. 2001).

Dated: May 15, 2025

Respectfully submitted,

By: 
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